THE HON'BLE MR JUSTICE C.V.RAMULU

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WRIT PETITION Nos.8314, 8342, 8344 and 8360 of 1999

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WRIT PETITION No: 8314 of 1999

Between:

A.Venkata Rao.

..... PETITIONER

AND

The Commissioner,

Rajahmundry Municipal Corporation,
and another. **.....RESPONDENTS**

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WRIT PETITION No: 8342 of 1999

Between:

K.Ramam.

..... PETITIONER

AND

The Commissioner,

Rajahmundry Municipal Corporation,
and another. **.....RESPONDENTS**

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WRIT PETITION No: 8344 of 1999

Between:

V.Devendrudu.

..... PETITIONER

AND

The Commissioner,

Rajahmundry Municipal Corporation,
and another. **.....RESPONDENTS**

WRIT PETITION No: 8360 of 1999

Between:

N.Subba Rao.

.... PETITIONER

AND

The Commissioner,

Rajahmundry Municipal Corporation,
and another. **.....RESPONDENTS**

COMMON ORDER:

In all these writ petitions, common question of fact and law arise and therefore they are being disposed of by this common order.

There is no necessity to go into all the details. It is suffice to notice that the petitioners were appointed on 05-06-1989 as NMRs on daily wage basis in the 1st respondent-Municipality (now Corporation). Their services were terminated orally on 01-12-1992. Therefore, they raised dispute in I.D.Nos.20 of 1996, 21 of 1996, 23 of 1996 and 24 of 1996, dated 07-02-1997, before the Industrial Tribunal-cum-Labour Court at Visakapatnam. The Labour Court found that the petitioners had worked more than 240 days continuously preceding the date of their termination and the oral

termination of the petitioners is in gross violation of the provisions of Section 25(F) of the Industrial Disputes Act and therefore, allowed the petition directing the 1st respondent-Municipality to reinstate the petitioners on NMR basis without continuity of service and without back wages.

It is the contention of the learned counsel for the petitioners that once the Labour Court came to the conclusion that the provisions of Section 25(F) of the Industrial Disputes Act are violated, granting of other reliefs like continuity of service and back wages are automatic.

I am in full agreement with the submissions made by the learned counsel for the petitioners. However, in these cases, the denial of back wages by the Industrial Tribunal-cum-Labour Court cannot be said to be unreasonable for the reason that the petitioners have approached the Labour Court with a delay of more than three years and further it cannot be said that the petitioners being labourers were not engaged anywhere gainfully.

Under those circumstances, I am of the view that the petitioners are only entitled for continuity of service from 05-06-1989 i.e., from the date of their first appointment till the date of reinstatement for all purposes like seniority, attendant benefits, etc.

In the result, the Award passed by the Labour Court is modified directing the 1st respondent-Municipality (now Corporation) to reinstate the petitioners into service with continuity of service and attendant benefits but without any back wages from 05-06-1998 till the date of reinstatement.

The writ petitions are allowed to the extent indicated above. No order as to costs.

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C.V.RAMULU, J

Date:18-08-2005

Prv